

**CHARTER TOWNSHIP OF COMMERCE
TOWNSHIP BOARD OF TRUSTEES MEETING
May 9, 2023
2009 Township Drive
Commerce Township, Michigan 48390**

CALL TO ORDER: Supervisor Larry Gray called the meeting to order at 7:00 p.m. and introduced the members of the Board.

PLEDGE OF ALLEGIANCE

ROLL CALL: Present: Larry Gray, Supervisor
Molly Phillips, Treasurer (acting clerk)
Robert Berkheiser, Trustee
Vanessa Magner, Trustee
Rick Sovel, Trustee
George Weber, Trustee

Absent: Melissa Creech, Clerk (excused)

Also Present: Hans Rentrop, Township Attorney
Dave Campbell, Planning Director
Jim Dundas, Fire Chief
Emily England, Senior/Parks and Recreation Director
Jay James, Building Official
Jason Mayer, Giffels Webster Engineers
Wendy Reyes, Lieutenant OCSO
Mark Schoder, Maintenance Director

PLEDGE OF ALLEGIANCE

CALL TO ORDER

APPROVAL OF MINUTES

MOTION by Magner, supported by Sovel, to approve the April 11, 2023 Regular Township Board Meeting minutes, as submitted.

MOTION CARRIED UNANIMOUSLY

PRESENTATIONS

A. Bruce Aikens Update

Bruce Aikens was present and updated the Board on the 5 & Main project on the northeast corner of Pontiac Trail and Martin Parkway. He thanked the Board for creating

PRESENTATIONS (Bruce Aikens Update continued)

a committee to assist him on ways to move forward with the development. Within the next month, he hopes to announce a partnership with a residential development group. He plans to break ground in the fall of 2023 on infrastructure for both the residential and retail projects. The plan is to begin vertical with residential in the spring of 2024 then follow with retail in the fall of 2024. He hopes to open residential first and then retail in the fall of 2025 or the spring of 2026. Discussion took place on financing, retail stores, percentage of committed lease agreements and the process of negotiations.

ITEM 1:5-9 APPROVAL OF AGENDA

MOTION by Magner, supported by Sovel, to approve the May 9, 2023 agenda.

MOTION CARRIED UNANIMOUSLY

ITEM 2:5-9 PUBLIC COMMENTS

Supervisor Gray opened Public Comments and advised the public that this is for public comments only and will be limited to 2 minutes for each person.

Trustee Berkheiser introduced Boy Scout Troop 308. He would like to recognize and thank the troop for the work they have done at Byers Park and all of the service hours they provided for the Township.

Bruce Jaquays, 1841 Larene Dr., Commerce Township MI. We should be able to have free market in the Township. People should be allowed to build a smoke shop or have an Airbnb in the Township. Why are you looking at this now when Airbnb's have been around for approximately 16 years and the Township never did anything in the past? Also, if one gas station can sell liquor then why not allow all gas stations to do the same.

Supervisor Gray closed Public Comments.

ITEM 3:5-9 PUBLIC HEARINGS

A. Establishment Resolution – First Amended and Restated Lower Straits Lake Aquatic Weed SAD

Supervisor Gray opened the Public Hearing.

There were no public comments.

Supervisor Gray closed the Public Hearing.

Hans Rentrop, reviewed the Resolution with the Board.

MOTION by Sovel, supported by Phillips, to approve the Resolution of The Township Board of The Charter Township of Commerce Determining to Undertake an

ITEM 3:5-9 PUBLIC HEARINGS (Establishment Resolution – First Amended and Restated Lower Straits Lake Aquatic Weed SAD Motion continued)

Improvement Project and to Establish and Maintain a Special Assessment District to Pay Costs Associated Therewith and Approving the Plans and Estimates of Costs Therefor, First Amended and Restated Lower Straits Lake Aquatic Weed Control Special Assessment District (2023 – 2032). **MOTION CARRIED UNANIMOUSLY**

ITEM 4:5-9 CONTRACT AWARDS AND AGREEMENTS

A. 14 Mile Pathway Contract Award

Jason Mayer, Giffels Webster Engineers, said bids were received on April 20, 2023 and the only bid was submitted by Anglin Civil based in Livonia, MI at \$234,836.00. He recommends the project be awarded to Anglin Civil. He advised the Board the Bioswale line item will be eliminated and instead plant a native seed mixture. This will reduce the final contract amount paid to Anglin. He submitted a budget summary showing the actual anticipated project costs. Project cost will not exceed \$273,866 with actual Township cost after grants not to exceed \$77,000.

Emily England, Senior Director, said the Oakland County grant is for \$152,000.

MOTION by Berkheiser, supported by Sovel, to award the 14 Mile Pathway Contract to Anglin Civil in a total project amount not to exceed \$274,000.

MOTION CARRIED UNANIMOUSLY

ITEM 5:5-9 INTRODUCTIONS

A. An Ordinance to Amend the Code of Ordinances to be Known as Code Amendment Ordinance 1.065- Provide Procedure to Abate Ongoing Public Nuisances

Hans Rentrop, Township Attorney, said the Ordinance would allow the Township Board to declare as a nuisance any location that is repeatedly used for illegal activities related to the use and sale of controlled substance or prostitution. The Ordinance would permit the Township Board to order the building vacated and padlocked for up to one year.

Discussion took place on the process required in order to vacate and padlock a building. Trustee Sovel recommends we Table this item to allow for further review and possible changes to the Ordinance.

MOTION by Sovel, supported by Weber, to Table an Ordinance to Amend The Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan to be known as Code Amendment Ordinance No. 1.065.

ROLL CALL VOTE:

AYES: Sovel, Weber, Phillips, Berkheiser, Magner

NAYS: Gray

ABSENT: Creech

MOTION CARRIED

ITEM 6:5-9 ADOPTIONS

A. An Ordinance to Amend the Code of Ordinances to be Known as Code Amendment Ordinance 1.062 – Require FOIA Requests to be Submitted in Writing.

Hans Rentrop, Township Attorney, explained the Ordinance.

MOTION by Magner, supported by Phillips, to Adopt an Ordinance to Amend The Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan to be known as Code Amendment Ordinance No. 1.062. Post and publish according to law.

MOTION CARRIED UNANIMOUSLY

B. An Ordinance to Amend the Code of Ordinances to be Known as Code Amendment Ordinance 1.063 – Septic Inspections

Hans Rentrop, Township Attorney, explained the Ordinance.

MOTION by Sovel, supported by Magner, to Adopt an Ordinance to Amend The Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan to be known as Code Amendment Ordinance No. 1.063. Post and publish according to law.

MOTION CARRIED UNANIMOUSLY

ITEM 7:5-9 SITE CONDOMINIUMS AND PLATS

A. The Cove at Benstein Crossing – Master Deed

David Campbell, Planning Director, said this is an 18-unit attached site condominium proposed by MM Benstein, LLC (Mark Kassab of M. Shapiro Real Estate) on the east side of Benstein Road, between Loon Lake Road and McCoy, on approximately 4.25 acres located at 1420 Benstein Road. The proposed condominium is consistent with the conditional rezoning approved by the Planning Commission and Township Board. The Planning Commission recommends approval.

MOTION by Weber, supported by Sovel, to approve PSP #23-04 a condominium site plan by MM Benstein, LLC (Mark Kassab) for The Cove at Benstein Crossing, an 18-unit attached residential condominium to be developed on approx. 4.23 acres on the east side of Benstein Road between Loon Lake Road and McCoy. The Planning Commission's recommendation of approval is based upon a finding that the proposed site condominium complies with the applicable standards of Articles 11, 35, and 37 of the Commerce Township Zoning Ordinance. The Planning Commission further found that the proposed building materials are sufficient and waive the requirements for the "anti-monotony" standards of the Zoning Ordinance. Recommendation for approval is subject to the following conditions:

1. Final approval of the condominium site plan and Master Deed and its exhibits by the Commerce Township Board of Trustees based on a recommendation of approval by the Township Attorney;
2. Review and approval of the master deed's Exhibit B documents by both the Township Attorney and the Township Engineer;

ITEM 7:5-9 SITE CONDOMINIUMS AND PLATS (The Cove at Benstein Crossing – Master Deed Motion continued)

3. Review and approval of engineered construction plans by the Township Engineer, Fire Marshal, Building Department, and the applicable departments of Oakland County and the State of Michigan;
4. Review and administrative approval of a revised site plan and landscape plan that includes all “as noted” items of the respective engineering and landscape reviews of Giffels Webster;
5. Approach to Benstein Road and the extension of the right turn lane to be reviewed and approved by the RCOC;
6. Entrance sign and/or features to be reviewed and approved under a separate Sign Permit by the Building Department subject to the requirements of Article 30 of the Zoning Ordinance;
7. The Master Deed to be revised to include The Cove at Benstein Crossing replacing The Cove at Benstein.

Discussion: Trustee Berkheiser said in the Motion it talks about the monotony standards. Last month he asked if the monotony standards would apply and the answer was “yes”. Are we waiving the monotony standards? David Campbell said yes, per the Planning Commission. Trustee Weber said the Planning Commission waived it based upon the elevations in the renderings of the site plans.

Supervisor Gray asked if the petitioner will address the southbound lane where it goes down to two lanes? David Campbell said it was not part of their conditional rezoning proposal and not part of the conditional rezoning agreement that they offer any improvements to the southbound side.

Trustee Magner said she voted against this at the last meeting because she wanted to keep this as a single family property.

ROLL CALL VOTE:

AYES: Weber, Sovel, Phillips, Berkheiser
NAYS: Magner, Gray
ABSENT: Creech

MOTION CARRIED

ITEM 8:5-9 OLD BUSINESS

A. An Ordinance to Amend the Code of Ordinances to be Known as Code Amendment Ordinance 1.064 – Residential Property Leasing Regulations

Jay James, President Ker Engineering, Inc., submitted a preliminary inspection check list for the items which will be looked at during the rental inspection, and a summary of the surrounding communities which have rental ordinances, and the costs associated with them. He is proposing \$200 for an application fee for the entire building and \$75 per unit within the building.

ITEM 8:5-9 OLD BUSINESS (An Ordinance to Amend the Code of Ordinances to be Known as Code Amendment Ordinance 1.064 – Residential Property Leasing Regulations continued)

Trustee Magner asked:

- 1) How many rentals do we have in the Township? Jay James said approximately 1,000 – 1,500 rentals.
- 2) How many complaint calls have we received in the past 6 months? Jay James said he estimates between 10-15 calls.
- 3) What is the number 1 complaint about? Jay James said heat not working and tenants having issues getting repairs done.

Trustee Sovel questioned the need for an Ordinance instead of someone sending in a complaint form to the Township and then the Building Official looking into it. He also mentioned areas in the Ordinance for short term rentals that he feels need to be changed.

Trustee Weber feels a landlord is a commercial business and has the responsibility to provide a safe minimum standard environment, in accordance with existing ordinances.

Trustee Berkheiser said we may be initiating something on short term rentals that we do not need because we do not have many Airbnb's in the Township and have not received any complaints.

Hans Rentrop, Township Attorney, asked if the Board wants to regulate short term rentals and do they want to entertain an Ordinance for short term rentals? If so, he will make note of suggestions made and come back to the board with a revised Ordinance.

Trustee Sovel asked if we should form a work group. Treasurer Phillips volunteered to be part of a work group.

MOTION by Sovel, supported by Weber, to form a work group consisting of Supervisor Larry Gray, Jay James, Vanessa Magner, and Molly Phillips. The work group will make recommendations to the Township Board regarding residential leasing in the Township.

MOTION CARRIED UNANIMOUSLY

B. Township Property

Supervisor Gray said an offer to purchase for \$261,000 was received to purchase the property at 740 Glengary Road. He is asking for Board approval.

MOTION by Gray supported by Berkheiser, to accept the offer to purchase in the amount of \$261,000 for 740 Glengary Road, with the following contingency: if an offer to purchase is submitted prior to acceptance with signatures and is higher than \$261,000, the buyer will match the offer to purchase price plus add an additional \$1,000 up to a maximum of \$265,000.

MOTION CARRIED UNANIMOUSLY

ITEM 9:5-9 NEW BUSINESS

A. Class C Liquor License Transfer – 6011 Majestic Oaks Drive

Jerome Domeneck and Todd Arnott, applicants, were present.

MOTION by Phillips, supported by Magner, to approve the Class C Liquor License Transfer Application from B. Hill Investments, LLC to Arneck B. Hill Golf Group, LLC at 6011 Majestic Oaks Drive, Commerce Township, MI 48382.

MOTION CARRIED UNANIMOUSLY

B. Class C Liquor License Transfer – 500 Loop Road

Sally Gravat and Alexander Cain, applicants, were present.

MOTION by Magner, supported by Phillips, to approve the Class C Liquor License Transfer Application from Bar Verona MI2, LLC to A&G Restaurant Group 2, LLC dba Ghost Handcrafted Tacos & Cocktails at 500 Loop Road, Commerce Township, MI 48390.

MOTION CARRIED UNANIMOUSLY

C. Sonic Task Force

Lt Wendy Reyes gave an overview of the barricaded gun situation in the Township that occurred on May 3, 2023.

Lt. Reyes would like to change one of our D2 Officers to the position of Detective assigned to the Sonic Task Force. A West Bloomfield Sergeant oversees the Sonic Task Force that consists of police officers from Farmington Hills, Novi, West Bloomfield and the Oakland County Sheriff's Department.

MOTION by Sovel, supported by Magner, to approve the request of Lt. Wendy Reyes to change one D2 officer to the position of Detective assigned to the Sonic Task Force.

MOTION CARRIED UNANIMOUSLY

D. Resolution Authorizing Application for Oakland County 2023 Interim Local Transportation Reimbursement Program

Supervisor Gray said the Resolution will allow the Township to receive reimbursement from Oakland County for People's Express.

MOTION by Berkheiser, supported by Weber, to Approve The Resolution of The Township Board of The Charter Township of Commerce Authorizing Application for Oakland County 2023 Interim Local Transportation Reimbursement Program.

ROLL CALL VOTE:

AYES: Berkheiser, Weber, Phillips, Magner, Gray Sovel

NAYS:

ABSENT: Creech

MOTION CARRIED UNANIMOUSLY

ITEM 9:5-9 NEW BUSINESS (continued)

E. PTA Penalty Waiver Requests

Treasurer Phillips received a request from Donna DeClue and Ashley Glidden for a waiver on the PTA penalty fees that may be assessed on their summer 2023 property tax bill. After careful review, she feels a waiver is warranted.

MOTION by Sovel, supported by Magner, to waive the PTA penalty fees for Donna DeClue at 2826 Woodbury and for Ashley Glidden at 3215 Rio Vista, Commerce Township, MI.

MOTION CARRIED UNANIMOUSLY

F. Demolition of 2840 Fisher Avenue

Jay James, Building Official, said two bids were received to demolish the old Township Hall. Milford Salvage Iron and Metal for \$66,500 and RJ Hoffman Management for \$50,805. He recommends awarding the bid to RJ Hoffman Management in an amount not to exceed \$55,000 (bid price plus \$4,195 in contingencies).

MOTION by Weber, supported by Sovel, to award the contract to demolish the old Township Hall located at 2840 Fisher Avenue, Commerce Township, MI to RJ Hoffman Management in an amount not to exceed \$55,000 (bid price of \$50,805 plus \$4,195 in contingencies). This is contingent upon moving all of the construction equipment from the horse farm within one week from today (5-9-2023) and all of their equipment shall be removed within one week after the demolition of the Township Hall.

Trustee Berkheiser voted no

MOTION CARRIED

ITEM 10:5-9 ORDERS

MOTION by Magner, supported by Sovel, to approve the Orders and Add-Ons.

MOTION CARRIED UNANIMOUSLY

ITEM 11:5-9 OTHER MATTERS

Trustee Magner –

- What is the next step with the Fire Fighter's Union saying they are ready to enter into negotiations? Supervisor Gray said a committee will consist of Rick Sovel, George Weber, Fire Chief Dundas and himself. They will meet the first and third Monday of each month starting in June 2023 to discuss the contract.

Trustee Weber –

- In the packet of reports and communications there is the 2023 strategic planning report from the RCOC for roads and improvements. We should share this with the Planning Commission so they can use it while working on the Master Plan for the Township.

ITEM 11:5-9 OTHER MATTERS (continued)

Trustee Berkheiser –

- In the packet of reports and communications he saw there was some information provided to the Planning Commission having to do with a Tree Ordinance. It seems like we are presented with 2-4 Ordinances per month to handle specific issues. He has not heard anything about a Tree Ordinance during our discussion meetings. He would also like an update on the Master Plan from the Planning Commission. Trustee Weber said the Master Plan is scheduled to come before the Township Board during the July Discussion meeting.

Treasurer Phillips –

- While filing our 2022 tax papers in the basement it was brought to her attention there are some old papers that should be shredded. She would like to shred old papers during the Township's shredding day on June 17, 2023.
- Has anyone followed the MML and MTA on the mining legislation? It died last year and is coming back up again. Hans Rentrop, Township Attorney, has not heard anything on this. Supervisor Gray said he sent an email to senators and representatives asking them to not vote for that.

Supervisor Gray –

- There will be a picture contest at the library from May 22 – Sept 7, 2023. Information will be on the Library's website. They are in the process of designing a new website and hope to receive a lot of pictures.
- He is working alongside Katelyn Massey, Assistant Finance/HR talking to Statewide Electric, who is working with General Motors, on Flo's Level 2 chargers. The chargers are free. They are discussing putting two chargers at the library and two at the Richardson Center.
- There is a marijuana ad on the Adams Billboard. Hans Rentrop, Township Attorney, sent them a letter to remove the ad on the billboard. He received a response from them saying they disagree to his conclusions and said it is advertising a business, not a product. Mr. Rentrop does not agree with that. They have agreed to amend the consent judgement to remove businesses from the regulation but they want that going forward with the existing contract. He asked them how long their contract is and he has not heard back from them. The Board has two options: 1) you can agree to amend the consent judgement or 2) file a motion to show cause why they are in violation. It was agreed to have Mr. Rentrop file a motion.
- The RCOC sent us a report on the status of the roads from the past 6 years. He received an update from Tom Noechel about the concerns the Township has with Tri-Party dollars. Mr. Noechel said the RCOC does not plan on doing a study. Discussion on Tri-Party projects took place.

ITEM 12:5-9 ADJOURNMENT

MOTION by Phillips, supported by Magner, to adjourn the meeting at 9:26 p.m.

MOTION CARRIED UNANIMOUSLY



Melissa Creech, Clerk
Charter Township of Commerce